

CITY COUNCIL
CITY OF WICHITA
KANSAS

City Council Meeting
9:00 A.M., February 15, 2005

City Council Chambers
455 North Main

ORDER OF BUSINESS

- Call to Order
- Invocation
- Pledge of Allegiance
- Approve the minutes of the February 8, 2005 meeting

AWARDS AND PROCLAMATIONS

- Proclamations

CONSENT AGENDA

1. Report of the Board of Bids and Contracts Dated February 14, 2005.

RECOMMENDED ACTION: Receive and file report; approve Contracts;
authorize necessary signatures.

2. Application for License for Adult Entertainment Establishments/Services:

New Escort Service

Saundra Jean Lacy Jessie's Prime Time Entertainment 304 South Laura

RECOMMENDED ACTION: Approve license subject to Staff review and approval.

3. Applications for Licenses to Retail Cereal Malt Beverages:

<u>Renewal</u>	<u>2005</u>	<u>(Consumption off Premises)</u>
Hau Ma	K & T Store	4001 South Seneca

*General/Restaurant - 50% or more of gross receipts derived from sale of food.

RECOMMENDED ACTION: Approve licenses subject to Staff review and approval.

4. Preliminary Estimates:

- a) 2005 sanitary sewer reconstruction, Phase 2 - various locations from Maize to Rock, between 13th Street North and 27th Street South. (468-83956/620427/665547). (District I,II,III,V) - \$646,000
- b) Lateral 16, Main 19 Southwest Interceptor Sewer to serve Avalon Park Second Addition - north of 37th Street North, west of Tyler. (468-83748/744067/480755) Does not affect existing traffic. (District V) - \$240,300
- c) Water distribution system to serve Avalon Park Second Addition - north of 37th Street North, west of Tyler. (448-89908/735203/470873) Does not affect existing traffic. (District V) - \$80,000
- d) Pepper Ridge/Havenhurst from the north line of 37th Street North to the east line of Tyler Road; Havenhurst Court from the north line of Havenhurst and including the cul-de-sac; Sidewalk along the west and south sides of Pepper Ridge and the south side of Havenhurst, from the north line of 37th Street North to the east line of Tyler Road to serve Avalon Park Second Addition - north of 37th Street North, west of Tyler. (472-83899/765887/490998) Does not affect existing traffic. (District V) - \$317,000
- e) Pine Bay Street from the east line of Hydraulic Avenue to Madison Avenue; Madison Avenue from the south line of 63rd Street South to Pine Bay Street; Madison Court from the west line of Madison Avenue west to and including the cul-de-sac to serve Pine Bay Estates Addition - south of 63rd Street South, east of Hydraulic. (472-84034/765894/490007) Does not affect existing traffic. (District III) - \$302,750
- f) Water distribution system to serve Highland Springs Third Addition - south of Central, west of 135th Street West. (448-89828/735212/470882) Does not affect existing traffic. (District V) - \$102,000
- g) Water distribution system to serve The Waterfront 4th Addition - north of 13th Street North, east of Webb. (448-90019/735221/470891) Does not affect existing traffic. (District II) - \$47,500
- h) Lateral 48, Main 24 War Industries Sewer to serve The Waterfront 4th Addition - north of 13th Street North, east of Webb. (468-83918/744092/480780) Does not affect existing traffic. (District II) - \$90,000
- i) 27th Street North, from the west line of Lot 1, Jackson Avenue in F.C McTaggart Addition to the middle of the intersection of 27th Street North and Jackson to serve FC McTaggart & North Court Additions - south of 29th Street North, west of Broadway. (472-83958/765868/490979) Traffic to be maintained during construction using flagpersons and barricades. (District VI) - \$42,500
- j) 27th Street North, from the west line of Wellington to the west line of Market to serve Montrose Park, Aley Park and North Lawn Additions - south of 29th Street North, west of Broadway. (472-83959/765871/490982) Traffic to be maintained during construction using flagpersons and barricades. (District VI) - \$145,500

- k) 27th Street North, from the middle of the intersection of 27th and Waco to the east line of Fairview to serve F.C. McTaggart's Addition and an Unplatted Tract - south of 29th Street North, west of Broadway. (472-83960/765870/490981) Traffic to be maintained during construction using flagpersons and barricades. (District VI) - \$83,800
- l) 27th Street North, from the middle of the intersection of 27th and Jackson to the middle of the intersection of 27th and Waco to serve F.C. McTaggart and North Court Additions, and an Unplatted Tract - south of 29th Street North, west of Broadway. (472-83961/765869/490980) Traffic to be maintained during construction using flagpersons and barricades. (District VI) - \$72,300
- m) Sanitary sewer replacement in 27th Street North from Market to Fairview to serve Montrose Park, Aley Park, and North Lawn Additions. - south of 29th Street North, west of Broadway. (468-83855/620413 /664533) Traffic to be maintained during construction using flagpersons and barricades. (District VI) - \$95,000

RECOMMENDED ACTION: Approve and file.

5. Consideration of Street Closures/Uses.

RECOMMENDED ACTION: Approve street closures/uses.

6. Agreements/Contracts:

- a) Consultant Services Contract-High Performance Organization.
- b) Professional Services-2030 Transportation Plan Update.
- c) City Hall Garage Repairs. (District I)
- d) Murdock Street Bridge over the Little Arkansas River. (District VI) - Supplemental Agreement No. 3
- e) Unsewered Areas Project-Technical Services Agreement.
- f) Kellogg/Rock Road Interchange. (District II) – Supplemental.

RECOMMENDED ACTION: Approve Agreements/Contracts; authorize necessary signatures.

7. Design Services Agreements:

- a) Southern Ridge Second Addition, south of Pawnee, west of Maize. (District IV)
- b) The Fairmount Third Addition, west of 127th Street East, north of 21st Street. (District II)
- c) Cheryl's Hollow Addition, north of 13th Street, west of 135th Street West. (District V)
- d) Sawmill Creek Addition, east of Rock Road, north of 45th Street North. (District II)

RECOMMENDED ACTION: Approve Agreements/Contracts; authorize the necessary signatures.

8. Property Acquisitions:

- a) Acquisition of Tracts 10 & 11 for the Cowskin Creek Channel Improvement Project: Kellogg to Maple. (District V)
- b) Acquisition of 3814 East Mt. Vernon of the Dry Creek Basin Property Acquisition Project. (District III)

RECOMMENDED ACTION: Approve the budget and real estate purchase contracts and authorize the necessary signatures.

9. Acquisition by Eminent Domain of tracts required for the East Kellogg/Rock Road Improvement Project. (District II)

RECOMMENDED ACTION: Place the ordinance providing for the acquisition by eminent domain of certain real property and directing the City Attorney to file the appropriate proceedings in the District Court to accomplish such acquisition, on first reading.

10. Sale of Surplus Land located at 4400 South Palisade. (District IV)

RECOMMENDED ACTION: Approve sale and Contracts; authorize necessary signatures.

11. Design Services for Improvements and Modifications to O.J. Watson Park. (District III)

RECOMMENDED ACTION: Approve the recommendation of the Selection Committee for design services for O.J. Watson Park and authorize the necessary signatures.

12. Enforcing Underage Drinking Laws (EUDL) Grant.

RECOMMENDED ACTION: Approve the application and authorize the necessary signatures.

13. Park & Recreation Marketing Agency for Summer Program.

RECOMMENDED ACTION: Approve the Greteman Group and authorize the necessary signatures.

14. Interim Funding for Convention & Visitors Bureau.

RECOMMENDED ACTION: Approve allocation from the C & T fund and authorize the necessary signatures.

15. Second Reading Ordinances: (First read February 8, 2005)

a) Industrial Revenue Bonds, American Baptist Estates. (District IV)

An Ordinance authorizing the City of Wichita, Kansas to issue its Health Care Facilities Revenue Bonds, Series I, 2005 (American Baptist Estates, Inc.) in the aggregate principal amount of \$1,225,000 for the purpose of providing funds to acquire, construct and equip five new residential duplex buildings to be used as part of an existing continuing care retirement facility and to pay certain costs of issuance; prescribing the form and authorizing execution of a Trust Indenture between the City and UMB Bank, N.A., Wichita, Kansas, as Trustee; prescribing the form and authorizing execution of a Lease Agreement by and between the City and American Baptist Estates, Inc.; approving the form of a Guaranty Agreement between American Baptist Estates, Inc., as Guarantor, and the Trustee; prescribing the form and authorizing the execution of a Bond Purchase Agreement between the City, American Baptist Estates, Inc, and Riedl First Securities Company of Kansas, Inc., Wichita, Kansas, as purchaser of the Series I, 2005 bonds.

b) Improvement to the Intersection of Harry and Longford. (District II)

An Ordinance declaring the intersection of Harry at Longford (472-83998) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same.

c) Improvement to the Intersection of Tyler and Yosemite. (District IV)

An Ordinance declaring the intersection of Tyler and Yosemite (472-84176) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same.

d) Amusement Park and Rides.

An Ordinance amending Sections 3.20.010, 3.20.020, 3.20.030 and 3.20.040, creating Sections 3.20.035, 3.20.050, 3.20.060, 3.20.070, and 3.20.080 of the Code of the City of Wichita, Kansas, pertaining to amusement parks and rides and repealing the originals of sections 3.20.010, 3.20.020, 3.20.030 and 3.20.030 of the Code of the City of Wichita.

RECOMMENDED ACTION: Adopt Ordinances.

NEW BUSINESS

(9:30 a.m. or soon thereafter)

16. Repair or Removal of Dangerous & Unsafe Structures. (District I)

On January 4, 2005, a report was submitted with respect to the dangerous and unsafe conditions on the properties below.

Property Address:

Council District:

a. 1443 South Water

I

b. 1445 South Water

I

c. 640 North Old Manor

I

RECOMMENDED ACTION: It is recommended that the City Council close the public hearing, adopt the resolutions declaring the buildings dangerous and unsafe structures, and accept the BCSA recommended action to proceed with condemnation allowing 10 days to start demolition and 10 days to complete removal of the structures. Any extensions of time granted to repair the structures would be contingent on the following: (1) All taxes have been paid to date, as of February 15, 2005; (2) the structures have been secured as of February 15, 2005 and will continue to be kept secured; and (3) the premises are mowed and free of debris as of February 15, 2005 and will be so maintained during renovation.

17. Public Hearing and Tax Exemption Request, Wichita Coffee Roasterie, Inc. (District IV)

In 2003 the company submitted a letter of intent to the Economic Development Office stating its intent to seek a property tax abatement from the City of Wichita under the Economic Development Tax Exemption (EDX) program to assist with the construction of building improvements and acquisition of new financing equipment in connection with their start-up business.

RECOMMENDED ACTION: Close the Public Hearing; place the ordinance on First reading approving the tax exemption request.

18. Donation of Vacant Lot at 1601 North Topeka. (District VI)

In September 2002 the City of Wichita received four lots located at 1601 North Topeka in exchange for a City-owned parcel located at 1237 South Broadway. The Topeka parcel contains 14,000 square feet and it zoned commercial although the area is primarily residential.

RECOMMENDED ACTION: Approve the donation and authorize the necessary signatures.

19. Ordinance Amendments Sections 11.52.020, relating to impounding of vehicles; and Sections 3.49.030, 3.49.040, 3.49.070, 3.49.130, 3.49.140 and 3.49.170 regarding Emergency Wrecker Service Procedures. An ordinance creating Sections 11.99.010, 11.99.020, 11.99.030, 11.99.040 and 11.99.050 pertaining to private towing regulations.

In 2003, the Wichita Police Department towed approximately 5,000 vehicles. Due to increasing fuel and insurance costs, fee increases for police tows were requested by the wrecker companies on the City's wrecker rotation list. Staff believes that increases requested are reasonable.

RECOMMENDED ACTION: Place the ordinance on first reading and authorize the necessary signatures.

20. Lease Agreement between the City of Wichita, Department of Park and Recreation and the Sedgwick County Soccer Association.

As a result of findings from the Alternative Revenue Task Force and direction from the City Council, staff has had ongoing talks with the soccer associations regarding the assumption of maintenance duties at city soccer fields by the association in exchange for the City of Wichita not receiving user fees from the soccer associations.

RECOMMENDED ACTION: Approve the agreement and authorize the necessary signatures.

PLANNING AGENDA

NOTICE: Public hearing on planning items is conducted by the MAPC under provisions of State law. Adopted policy is that additional hearing on zoning applications will not be conducted by the City Council unless a statement alleging (1) unfair hearing before the MAPC, or (2) alleging new facts or evidence has been filed with the City Clerk by 5p.m. on the Wednesday preceding this meeting. The Council will determine from the written statement whether to return the matter to the MAPC for rehearing.

* Consent Items

21. ZON2004-00066-Zone Change from Single-family Residential to Limited Commercial. Generally located northwest of Oliver and Washington Blvd. (District III)

RECOMMENDED ACTION: 1. Concur with the findings of the MAPC and approve the first reading of the ordinance establishing the zone change subject to the provisions of Protective Overlay #151; or
2. Return the application to the MAPC for reconsideration.

22. *ZON2004-00063-Zone change from Neighborhood Retail to Limited Commercial and an amendment to Protective Overlay District #3. Generally located south of Lincoln and east of Webb Road. (District II)

RECOMMENDED ACTION: 1. Adopt the findings of the MAPC and approve the Zone change and amendment to Protective Overlay District #3; place the ordinance establishing the zone Change and Protective Overlay District #3 amendment On first reading; or
2. Return the application on the MAPC for reconsideration.

23. *ZON2004-00064-Zone change from Single-family Residential to General Office. Generally located at the northwest corner of Douglas and Ridge Road. (District V)

RECOMMENDED ACTION: 1. Concur with the findings of the MAPC and Approve the zone change, subject to Protective Overlay Number 152; place the ordinance Establishing the zone change and Protective Overlay on first reading; or
2. Return the application to the MAPC for reconsideration.

24. *ZON2004-00065-Zone change from Multi-family Residential and General Commercial to Limited Commercial. Generally located between Hillside Avenue and Lorraine Street, approximately 305-feet south of Central Avenue. (District I)

RECOMMENDED ACTION: 1. Concur with the findings of the MAPC and Approve the zone change to Limited Commercial Subject to the provisions of Protective Overlay Number 150; place the ordinance on first reading; Authorize staff to withhold publication of the ordinance Authorizing this zone change until all provisions are met;
2. Return the application to MAPC for reconsideration.

25. *SUB2004-113-Plat of Northwest YMCA Addition, located on the north side of 21st Street North and the west side of 135th Street West. (County)

RECOMMENDED ACTION: Approve the documents and plat; authorize the necessary signatures and adopt the resolutions.

26. *SUB2004-118-Plat of South High School Third Addition, located north of MacArthur and on the east side of Seneca. (District IV)

RECOMMENDED ACTION: Approve the plat and authorize the necessary signatures.

27. *DED2004-33-Dedication of Access Control and DED 2004-34-Dedication of a Drainage and Utility Easement for property located on the northeast corner of 21st Street North and Webb Road. (District II)

RECOMMENDED ACTION: Accept the dedications.

28. *VAC2004-00001-Request to vacate a portion of access control generally located midway between Webb Road and Greenwich Road on the south side of Kellogg Avenue. (District II)

RECOMMENDED ACTION: Approve the Vacation Order and authorize the necessary signatures.

29. *VAC2004-00062-Request to vacate a portion of platted complete access control located on the west side of Greenwich Road, approximately 253-feet north of 21st Street North. (District II)

RECOMMENDED ACTION: Approve the Vacation Order and authorize the necessary signatures.

AIRPORT AGENDA

NOTICE: The City Council is meeting as the governing body of the Airport for consideration and action on items on this Agenda, pursuant to State law and City ordinance. The meeting of the Authority is deemed called to order at the start of this Agenda and adjourned at the conclusion.

*Consent items

30. Issuance of Airport Special Facilities Revenue Bonds - Yingling Aviation Project. (District IV)

RECOMMENDED ACTION: Adopt the bond resolution authorizing the issuance of Airport Special Facilities Revenue Bonds in the amount of \$1,500,000; approve the trust indenture, lease, sublease and bond purchase agreement and authorize the necessary signatures.

31. Issuance of Airport Special Facilities Revenue Bonds – Cessna Aircraft Co. (District IV)

RECOMMENDED ACTION: Adopt the bond resolution authorizing the issuance of taxable Airport Special Facilities Revenue Bonds in the amount of \$5,850,000 and approve the First Supplemental Trust Indenture, First Supplemental Lease and Bond Purchase Agreement and authorize the necessary signatures.

CITY COUNCIL

32. Board Appointments.

RECOMMENDED ACTION: Make the appointments.

Adjournment

- **Workshop to follow**
- **1:00 p.m. aviation training facility workshop item**